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7 Attorneys for Defendant
 PLAYGROUND DESTINATION PROPERTIES, INC.

8 UNITED STATES DISTRICT COURT
 9 SOUTHERN DISTRICT OF CALIFORNIA

10 DEAN BEAVER AND LAURIE BEAVER,
 11 HUSBAND AND WIFE; STEVEN ADELMAN,
 AN INDIVIDUAL; AND ABRAM AGHACHI,
 12 AN INDIVIDUAL, DINESH GAUBA, AN
 INDIVIDUAL, DEVIN KENNA AND
 13 VERONICA KENNA, HUSBAND AND WIFE,
 ON BEHALF OF THEMSELVES AND ALL
 14 OTHERS SIMILARLY SITUATED,

15 Plaintiffs,

16 vs.

17 TARSADIA HOTELS, A CALIFORNIA
 18 CORPORATION; TUSHAR PATEL, AN
 INDIVIDUAL; B. U. PATEL, AN INDIVIDUAL;
 19 GREGORY CASSERLY, AN INDIVIDUAL; 5TH
 20 ROCK, LLC, A DELAWARE LIMITED
 LIABILITY COMPANY; MKP ONE, LLC, A
 21 CALIFORNIA LIMITED LIABILITY
 COMPANY; GASLAMP HOLDINGS, LLC, A
 22 CALIFORNIA LIMITED LIABILITY
 COMPANY; PLAYGROUND DESTINATION
 23 PROPERTIES, INC., A WASHINGTON
 CORPORATION; JOSH ERSKINE, AN
 24 INDIVIDUAL; SHANE ERSKINE, AN
 25 INDIVIDUAL; and DOES 1 - 50, INCLUSIVE,

26 Defendants.
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) Case No. 11-CV-1842 DMS (CAB)

) **DEFENDANT PLAYGROUND**
) **DESTINATION PROPERTIES, INC.'S**
) **NOTICE OF MOTION AND MOTION**
) **TO DISMISS**

) Related Case:

) *Salameh, et al. v. Tarsadia Hotels, et al.,*
) *Case No. 3:09-cv-02739-DMS-CAB*

) Date: February 17, 2012

) Time: 1:30 p.m.

) Judge: Hon. Dana M. Sabraw

) Dept: Courtroom 10, 2nd Floor

1 **TO THE COURT, PLAINTIFF, AND ALL COUNSEL OF RECORD:**

2 PLEASE TAKE NOTICE THAT, on February 17, 2012 at 1:30 p.m., or as soon thereafter as
3 the matter may be heard, in Courtroom 10, 2nd Floor of the above-entitled court, Defendant
4 Playground Destination Properties, Inc. ("Playground"), by and through its attorneys of record,
5 Ballard Spahr LLP, will and hereby does move to dismiss Plaintiffs' Second Amended Complaint
6 under Fed. R. Civ. Proc. 12(b)(6). In making this motion, Playground also joins in all applicable
7 arguments made by Defendants Tarsadia Hotels, Tushar Patel, B. U. Patel, Gregory Casserly, 5th
8 Rock, LLC, MKP One, LLC, and Gaslamp Holdings, LLC in their motion to dismiss. This Motion
9 is based on the pleadings and papers on file, the concurrently filed Memorandum of Points and
10 Authorities and Declaration of Daniel M. Benjamin, and any argument as may be heard hereon.

11
12 Dated: January 5, 2012

BALLARD SPAHR LLP

13 By: /s/ Daniel M. Benjamin
14 Attorney for Playground Destination
15 Properties, Inc.
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